

REMARKS

Claims 1-42 are pending in the present application, with claims 1, 19 and 36 being the independent claims. In summary of the outstanding Official Action, claims 2, 27 and 29 stand objected to for informalities. Claims 1, 8, and 11 stand rejected under 35 U.S.C. § 112 as being indefinite. Claims 1-6, 8, 11, 16-18, and 36-42 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,782,542 (Mein et al.). Claims 7, 9, 10, 12-15, and 19-35 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Mein et al. in combination with one or more of the following references: "Mapping CORBA and SOAP" (CORBA), "Introducing SOAP," by Reiven M. Lerner (Lerner), and "SOAP: The Simple Object Access Protocol," by Aaron Skonnard (Skonnard).

Reconsideration of the outstanding rejections to the claims is respectfully requested in view of the following remarks.

Claim objections

Claims 2, 27 and 29 stand objected to for informalities. Claims 2, 27 and 29 have been amended to address the informalities noted. Thus, withdrawal of the objections is earnestly solicited.

Claim rejections under 35 U.S.C. §112

Claims 1, 8, and 11 stand rejected under 35 U.S.C. § 112 as being indefinite. The specification has been amended to clarify use of the term "provider object." Support for this amendment appears in the specification on page 22, lines 7-9. No new matter has been added. Thus, withdrawal of the rejections is earnestly solicited.

Claim rejections under 35 U.S.C. §102(e)

Claims 1-6, 8, 11, 16-18, and 36-42 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,782,542 (Mein et al.)

Applicants respectfully submit that while the Mein et al. may describe the underlying SOAP protocol, but it does not anticipate claim 1 of the present application.

Claim 1 states: "...when compiling said code, communicating with a provider object..." Referring to a computer program product of Mein et al., the office action states "the computer program product has to be compiled in order to make it executable," thus correlating the computer program product of Mein et al. with the term "code" of claim 1. However, Mein et al. does not disclose communicating with a provider object *when* compiling the computer program product, nor does Mein et al. describe how or when the computer program product is compiled at all. It can be appreciated that the computer product of Mein et al. could be compiled before communicating with a provider object and still be executable. Therefore Mein et al. does not teach or suggest "...when compiling said code, communicating with a provider object..."

Also, claim 1 states "generating at least one of additional code and data for use at run time." The office action states that "the computer program product has to be compiled in order to make it executable, and additional code and data is hence produced after the compilation," thus correlating the computer program product of Mein et al. with the "additional code and data" language of claim 1. Applicants respectfully submit that the office action is incorrectly correlating the program product of Mein et al. with both the terms "code" as well as "additional code and data" of claim 1. These terms are clearly not referring to the same item because "additional code" inherently describes that which is in addition to the "code" being compiled "when communicating with a provider object." Thus, Mein et al. does not describe "generating at least one of additional code and data for use at run time."

Nor does Mein et al. describe generating any such additional code "...when at least one of sending and receiving a SOAP message..." The computer program product of Mein et al. is actually described as *part* of the SOAP message from one computer to another (see claim 11 of Mein et al. "A method of transferring a computer program product from a first computer to a second computer ..."). Therefore, the computer program product is not generated "when at least one of sending and receiving a SOAP message" because it cannot be generated while it is being sent or received. Thus, Mein et al. does not teach or suggest generating any such additional code "...when at least one of sending and receiving a SOAP message..."

Additionally, Claim 1 states that "...in connection with code that implements at least one SOAP-based Web service, declaring at least one SOAP handling mechanism corresponding to at least one SOAP-based Web service via a construct of said programming language..." The office action correlates the SOAP stub of Mein et al. with the SOAP handling mechanism of claim 1. However, Mein does not disclose this SOAP stub being declared via a construct of said programming language. On the contrary, Mein speaks of a SOAP stub being "invoked" by a Web server col. 5, lines 40-41. This SOAP stub "is chosen based on an identifier in the header of the data structure." Col. 5, lines 41-42. Mein et al. does not speak of declaring this SOAP stub "via a construct of said programming language."

Since all the limitations of claim 1 are not taught or suggested by Mein et al., Mein et al. does not anticipate claim 1. Withdrawal of the rejection is thus earnestly solicited.

Claims 2-6, 8, 11, and 16-18 and 36-42 all depend from claim 1 or were rejected for the same reasons of claim 1, thus withdrawal of the rejections for these claims is earnestly solicited.

Claim rejections under 35 U.S.C. §103

Claims 7, 9,10, 12-15, and 19-35 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Mein et al. in combination with one or more of the following references: "Mapping CORBA and SOAP" (CORBA), "Introducing SOAP;" by Reiven M. Lerner (Lerner), and "SOAP: The Simple Object Access Protocol," by Aaron Skonnard (Skonnard).

According to 35 U.S.C. §103(c):

"Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

The subject matter of Mein et al., at the time the invention was made, was owned by the same person or subject to an obligation of assignment to the same person, namely Microsoft

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Corp. Thus, under 35 U.S.C. §103(c) Mein et al. shall not preclude patentability under 35 U.S.C. § 103(a) as it allegedly qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” Therefore, since all the claimed limitations of claims 7, 9, 10, 12-15, and 19-35 are not taught by CORBA, Lerner, and Skonnard, withdrawal of the rejections under 35 U.S.C. § 103(a) for claims 7, 9, 10, 12-15, and 19-35 is earnestly solicited.

CONCLUSION

Applicants believe that the present Amendment is responsive to each point raised by the Examiner in the office action and Applicants submit that claims 1-42 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

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